

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TATYANA EVGENIEVNA DREVALEVA,

No. C 18-03748 WHA

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
VETERANS AFFAIR and ROBERT WILKIE,
Secretary, United States Department of
Veterans Affairs,

Defendants.

**ORDER DENYING MOTIONS
FOR PRELIMINARY
INJUNCTION, TO CHANGE
VENUE, AND TO VACATE
JUDGMENT**

In June 2018, *pro se* plaintiff Tatyana Drevaleva filed suit against defendants United States Department of Veterans Affairs and United States Secretary of Veterans Affairs, Robert Wilkie. On July 11, 2019, a prior order granted defendants' motion to dismiss and final judgment was entered for defendants (Dkt. Nos. 154–55). On July 13, plaintiff appealed the judgment and filed a timely notice of appeal (Dkt. No. 157). The next day, plaintiff moved to vacate the judgment pursuant to Rule 60 (Dkt. No. 158). On August 5, a prior order denied the motion to vacate, stating that “[t]he district court lack[ed] jurisdiction to reopen the case” (Dkt. No. 171 at 2). The next day, plaintiff appealed that order as well (Dkt. No. 173). Plaintiff’s appeal remains pending.

Plaintiff now moves to stay the judgment, for an injunction pending appeal, for an appointment of a master pursuant to 42 U.S.C. §2000e-5(f)(5) and F.R.C.P. Rule 53, and to

1 transfer the instant action “to the Second Judicial District Court in Albuquerque, New Mexico”
2 (Dkt. Nos. 174–75). She has since filed nine “supplemental briefs” to date in connection with
3 the instant motions (Dkt. Nos. 177, 181–82, 184, 186–87, 189–91). Plaintiff also requests
4 clarification regarding the order dated July 11 and renews her request to vacate the judgment
5 (Dkt. Nos. 183, 192). Pursuant to Civil Local Rule 7-1(b), this order finds the pending motions
6 suitable for submission without oral argument and hereby **VACATES** the hearings scheduled for
7 September 12 and October 10.

8 As the Court has already noted, plaintiff’s action was dismissed, judgment has been
9 entered, and the case remains closed (*see* Dkt. No. 171 at 2). In denying plaintiff’s prior motion
10 to vacate judgment, the Court held that it lacked jurisdiction to reopen the case (*ibid.*). To the
11 extent plaintiff seeks reconsideration of the prior order denying the motion to vacate (*see* Dkt.
12 Nos. 174 at 8; 192), the request is **DENIED**. The fact remains that the district court lacks
13 jurisdiction to reopen the case. Plaintiff’s pending motions to stay, for an injunction pending
14 appeal, for an appointment of a master, and for change of venue are **DENIED**. Plaintiff’s request
15 to clarify the order dated July 11 is **DENIED**. Plaintiff’s recourse for the relief she seeks is now
16 fully before our court of appeals. No further filings will be entertained in this closed case.

17
18 **IT IS SO ORDERED.**

19
20 Dated: September 3, 2019.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE